

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL JACOBS and  
RUBY HANDLER JACOBS,

Plaintiffs,

v.

Civ. No. 21-690 JB/SCY

THE JOURNAL PUBLISHING COMPANY  
d/b/a THE ALBUQUERQUE JOURNAL et al.,

Defendants.

**ORDER GRANTING EXTENSION OF TIME AND  
DENYING LEAVE TO FILE REPLY TO OBJECTIONS**

This matter is before the Court on Plaintiffs' Unopposed Motion For Extension Of Time And Plaintiffs' Request For Leave To File A Reply To Doc. 28 (Doc. 31). The motion requests three different forms of relief. Despite its title, the motion is partially unopposed and partially opposed.

First, the motion requests the Court extend the reply deadline of September 27, 2021 for Plaintiffs' Motion For Copyright Impoundment And Temporary Restraining Order Or Preliminary Injunction (Doc. 29). Doc. 31 at 1. This motion is unopposed and the Court grants it. Plaintiffs' reply in support of the Motion for Preliminary Injunction shall be due October 13, 2021.

Second, the motion requests the Court extend the "reply deadline" of October 4, 2021 for "Plaintiffs' Complaint." Doc. 31 at 1. The Court interprets this as a motion for extension of time to file a response to Defendants' Motion to Dismiss the Complaint, Doc. 30. This request is unopposed and the Court grants it. Plaintiffs' response to Defendants' Motion to Dismiss For Failure to State a Claim shall be due October 13, 2021.

Third, the motion requests leave to file a reply in support of Plaintiffs' objections to the Report and Recommendation dated July 29, 2021. Doc. 31 at 2. This request is opposed. *Id.* The Court denies the request. Replies in support of objections to a Magistrate Judge's report are not contemplated by Federal Rule 72(b). *Holick v. Burkhardt*, No. 16-1188, 2018 WL 4052154, at \*4 (D. Kan. Aug. 24, 2018) (collecting cases). Furthermore, Plaintiffs have not identified any reason a reply is necessary. If, after reading the objections, Judge Browning deems supplemental briefing necessary, he is free to order it.

Finally, Plaintiffs state they do not consent to a magistrate judge's "jurisdiction" over this case. Doc. 31 at 2. The presiding judge is United States District Judge James O. Browning. A magistrate judge is assigned to this case for referral purposes only. Under 28 U.S.C. § 636(b), consent of the parties is not necessary for referral to a magistrate judge, because the parties retain the right to file objections to be ruled on by the presiding district judge. Plaintiffs do not have the right or ability to withhold consent to a referral magistrate judge. To the extent Plaintiffs' motion is an objection to Judge Browning's referral order, Doc. 6, it is denied.

**SO ORDERED.**

  
STEVEN C. YARBROUGH  
UNITED STATES MAGISTRATE JUDGE